

Message Text

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ORIGIN ORM-02

INFO OCT-01 EUR-12 IO-10 ISO-00 DHA-02 VO-03 SCA-01 INSE-00

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FM SECSTATE WASHDC

TO USMISSION GENEVA NIACT IMMEDIATE

AMCONSUL ISTANBUL NIACT IMMEDIATE

AMEMBASSY ANKARA NIACT IMMEDIATE

INFO AMEMBASSY ATHENS PRIORITY

AMEMBASSY SOFIA

C O N F I D E N T I A L STATE 302540

E.O. 11652: GDS

TAGS: SREF, BU, TU, CVIS (UZUNOV, VASIL DIMITROV)

SUBJECT: REQUEST FOR ASYLUM

REF: ISTANBUL 4239

1. DEPT. STILL WORKING ON NAMECHECKS. WE HAVE CONSISTENTLY HELD THAT ASYLUM IN THE RIGHT AND RESPONSIBILITY OF THE COUNTRY IN WHICH THE REQUEST IS MADE. TURKEY IS A SIGNATORY TO BOTH THE CONVENTION AND PROTOCOL RELATING TO THE STATUS OF REFUGEES WHICH PROHIBITS THE FORCIBLE RETURN OF A REFUGEE TO HIS COUNTRY OF NATIONALITY WHERE THERE EXISTS A WELL-FOUNDED FEAR OF PERSECUTION BASED ON RACE, RELIGION, CONFIDENTIAL

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NATIONALITY, POLITICAL OPINION, OR MEMBERSHIP IN A PARTI-

CULAR SOCIAL GROUP. DEPARTMENT'S FIRST PREFERENCE IN ANY ASYLUM CASE IS TO REFER A REFUGEE TO THE HOST GOVERNMENT.

2. THERE ARE A NUMBER OF ALTERNATIVES FOR U.S. ENTRY AVAILABLE FOR UZUNOV. HE CAN APPLY FOR A 3RD OR 6TH PREFERENCE IMMIGRANT VISA; A PSA, NOT SCHEDULE A, NON-PREFERENCE IMMIGRANT VISA; CONDITIONAL ENTRY (7TH PREFERENCE), OR PAROLE INTO THE U.S.

3. PRESENTLY 3RD PREFERENCE PETITIONS ARE OVER-SUBSCRIBED;

6TH PREFERENCE PETITIONS REQUIRE LABOR CERTIFICATION AND A STATEMENT BY A PROSPECTIVE EMPLOYER. WE HAVE CONTACTED DR. LANGE PER REFTEL; AND EMPLOYMENT PROSPECTS APPEAR VERY SLIM. DETERMINATION OF ELIGIBILITY FOR PSA, NOT SCHEDULE A, SEEMS EVEN LESS LIKELY AS THIS REQUIRES SUBMISSION OF SUPPORTING DOCUMENTS FOR ADJUDICATION BY MANPOWER ADMINISTRATION IN WASH., A TIME CONSUMING PROCESS.

4. UZUNOV APPEARS TO QUALIFY TO APPLY FOR CONDITIONAL ENTRY INTO THE U.S. UNDER SECTION 203(A)(7) OF THE IMMIGRATION ACT. IN ORDER TO APPLY FOR 7TH PREFERENCE CONDITIONAL ENTRY, HE WOULD HAVE TO PROCEED TO A POST IN WESTERN EUROPE WHERE INS OFFICERS PROCESS SUCH APPLICATIONS. THESE POSTS ARE ATHENS, BRUSSELS, FRANKFURT, PARIS, ROME, AND VIENNA.

5. PAROLE INTO U.S. IS THE PREROGATIVE OF THE ATTORNEY GENERAL AND IS JUDICIOUSLY EXERCISED BY INS. SUBJECT MUST BE IN IMMINENT DANGER OF FORCIBLE RETURN TO COUNTRY OF NATIONALITY AND ALL OTHER ALTERNATIVES MUST BE EXHAUSTED BEFORE PAROLE AUTHORITY IS APPROVED BY INS.

6. UNHCR CAN BE VERY HELPFUL IN ARRANGING ENTRY INTO A COUNTRY WHERE A REFUGEE CAN APPLY FOR CONDITIONAL ENTRY. IN ADDITION, UNHCR HAS ESTABLISHED A DELICATE ARRANGEMENT WITH THE GOVERNMENT OF GREECE CONCERNING THE USE OF THE LAVRION REFUGEE CENTER FOR CASES WHERE DANGER IS PRESENT OF IMMINENT FORCIBLE RETURN TO COUNTRY OF NATIONALITY. UNHCR ARRANGES FOR ENTRY AND MOVEMENT OF

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ASYLUM SEEKER TO GREECE.

7. FOR ANKARA: WE WOULD GREATLY PREFER TO KEEP UZUNOV CASE IN NORMAL TURKISH REFUGEE CHANNELS IF POSSIBLE. HOWEVER, WE ARE ALSO CONCERNED WITH CONGEN REPORT THAT TURKISH GOVERNMENT MIGHT BE AMENABLE TO FORCIBLE RETURN OF REFUGEES. THEREFORE, WE BELIEVE THAT EMBASSY SHOULD DISCUSS CASE WITH UNHCR RESIDENT REPRESENTATIVE IN

ANKARA. POSSIBILITY OF FORCIBLE RETURN OF UZUNOV SHOULD BE RAISED AND HIS VIEWS SOLICITED. IF UNHCR REPRESENTATIVE BELIEVES FEARS WARRANTED, HE SHOULD ASSURE HIMSELF THAT UZUNOV IS PROVIDED WITH NORMAL PROTECTION ACCORDED TO REFUGEES. ALTERNATIVELY, IF UNHCR BELIEVES IT BEST THAT UZUNOV BE PROCESSED FOR CONDITIONAL ENTRY, HE MIGHT WISH TO MAKE ARRANGEMENTS THROUGH GENEVA TO ARRANGE TO MOVE UZUNOV TO LAVRION.

8. FOR GENEVA: YOU MIGHT WISH APPRISE UNHCR OF CASE.

9. FOREGOING DRAFTED BEFORE ANKARA 9366 AND ISTANBUL 4267 RECEIVED. WE HAVE NO OBJECTION TO PROPOSED DIRECT DISCUSSIONS WITH GOT IF EMBASSY BELIEVES THIS IS BEST MANNER TO HANDLE CASE. DEPARTMENT RECOMMENDATION WAS INTENDED ASSURE UNHCR WOULD ASSUME ITS PROPER ROLE IN PROTECTING REFUGEES AND IF UZUNOV HAD TO BE MOVED FROM TURKEY TO HAVE THIS DONE UNDER UNHCR RATHER THAN USG AUSPICES. IF EMBASSY DECIDES ON DIRECT REPRESENTATIONS, YOU SHOULD NONETHELESS INFORM HCR OF CASE AND ITS PROGRESS. KISSINGER

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